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DEC 01 1997

8-20-1997

CN 2038-060-000

**R E S O L U T I O N**  
**DESIGNATION OF LIMITED ACCESS HIGHWAY**  
**R/W ID. NH 5-3(60)109**  
**KALISPELL BYPASS**  
**FLATHEAD COUNTY, MONTANA.**

The Transportation Commission of the State of Montana, in regular meeting assembled, does hereby concur in the following finding and resolution:

THAT there has been surveyed, mapped, planned and designed by duly qualified employees of this Department of Transportation, a portion of State Highway known as Montana State Highway Project NH 5-3(60)109; and

THAT said portion of highway and connecting and/or intersecting spurs thereto so planned and designed have been approved for construction as a State Highway by this Department and an agreement has been entered into between this Department and the Federal Highway Administration of the United States Department of Transportation whereby Federal funds will be expended to aid the State of Montana in the construction of said highways; and,

THAT such surveys, maps, plans and designs have been approved by this Department and the Federal Highway Administration of the United States Department of Transportation; and,

THAT this Department has found and determined, and does hereby find and determine, that for the purpose of facilitating the flow



1 of traffic and to promote the public safety, it is necessary and  
2 desirable that the owners or occupants of the lands abutting said  
3 Highway Project DPI NH 5-3(60)109 or other persons, have no ease-  
4 ment of access, or only a limited easement of access to and from  
5 said Highway Project NH 5-3(60)109, by reason of the fact that  
6 their property abuts upon such highway, or for any other reason;  
7 and,

8 THAT this Department has found and determined that unre-  
9 stricted easements of access to said Highway Project NH 5-3(60)109  
10 would impede the flow of traffic upon said Highway Project and  
11 endanger the public safety; and

12 THAT this Department has found and determined and does hereby  
13 find and determine that it is necessary and desirable that the  
14 rights of and easements to access be acquired by the State so as to  
15 prevent said portions of Highway Project NH 5-3(60)109 from  
16 becoming unsafe for or impeded by unrestricted access of traffic  
17 from intersecting streets, alleys, public and private roads or ways  
18 of traffic.

19 That the following described portion of the highway designated  
20 as Montana State Highway Project NH 5-3(60)109 be, and the same  
21 was designated a NH 5-3(60)109 "Limited Access Highway and  
22 Facility", which said Limited Access Highway and Facility is  
23 located in Flathead County, Montana, and is more particularly  
24 described in the "Description of Route" which is attached hereto  
25 and hereby made a part hereof; and,



1        THAT the owners or occupants of the abutting land and all  
2 other persons shall have no easement of access or only such a  
3 limited easement of access upon such Limited Access Highway as may  
4 hereafter be granted; and,

5        THAT the State of Montana shall acquire such rights of access  
6 as exist to and from said Project NH 5-3(60)109 so as to prevent  
7 such portion of highway from becoming unsafe for or impeded by  
8 unrestricted access of traffic from intersecting streets, alleys  
9 and public or private roads or ways of passage; and

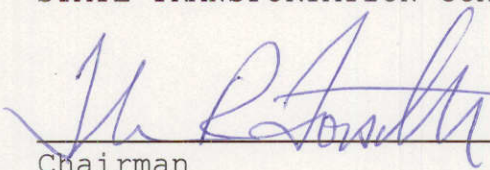
10        THAT there shall be no direct access to, from or across said  
11 highway facility from Station ----- Lt. and rt. and Station ---  
12 ----- except as will be hereafter determined:

13        DATED this 20<sup>th</sup> day of August, 1997.

14  
15        STATE OF MONTANA  
16        DEPARTMENT OF TRANSPORTATION

17          
18        Director

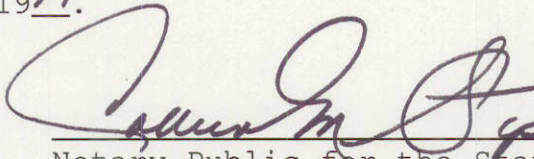
19  
20        STATE OF MONTANA  
21        STATE TRANSPORTATION COMMISSION

22          
23        Chairman  
24  
25



1 STATE OF MONTANA )  
2 ) : ss  
3 LEWIS & CLARK COUNTY )

4 I, the undersigned, COLLEEN M. STEPHENSON, do hereby certify  
5 that the above Resolution and each all thereof is a full, true  
6 and correct copy of the original Resolution filed in the  
7 Department of Transportation in Helena, Montana, and which was  
8 passed, adopted and executed at a meeting of said State  
9 Transportation Commission of Montana, held on the 20<sup>th</sup> day  
10 of August, 1997.

11   
12 Notary Public for the State of Montana  
13 Residing at Helena, Montana

14 My Commission Expires: Sept 4, 1998





DESCRIPTION OF ROUTE FOR  
NH 5-3(60)109  
KALISPELL BYPASS  
FLATHEAD COUNTY, MONTANA  
AN ACCESS CONTROL FACILITY

The route for State of Montana, Department of Transportation Division of Highways Project NH 5-3(60)109 is described as follows: This project begins on U.S. 93 approximately 2.307 km (1.43 miles) south of Kalispell's south city limits and is a totally new alignment; said point-of-beginning is situated in the SE1/4SE1/4 of Section 29, Township 28 North, Range 21 West, P.M., M., Flathead County, Montana approximately 0.950 km (0.59 mile) north of the U.S. 93 bridge over Ashley Creek; thence, said route extends westerly over and across said Section 29 approximately 0.900 km (0.56 mile) to an intersection with the Burlington Northern Railroad - Kalispell-Somers Spur Line. Said route continues thence in a northerly and westerly direction along said B.N. spur line a distance of approximately 4.257 km (2.65 miles) over and across said Section 29, Sections 30, 19 and 18, Township 28 North, Range 21 West; and Section 13, Township 28 North, Range 22 West to a point approximately 300 meters (984 feet) South of the intersection of said B.N. spur line with Foys Lake Road; said route continues thence in a northerly and westerly direction, leaving said B.N. spur line a distance of approximately 5.411 km (3.362 miles) over

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1 and across said Section 13, Sections 12 and 1, Township 28 North,  
2 Range 22 West; and Section 36, Township 29 North, Range 22 West;  
3 (This portion of said Route intersects U.S. 2 (FAP Route 1)  
4 approximately 35 meters (115 feet) west of Corporate Avenue);  
5 thence, said route continues in a northerly and easterly direction  
6 within said Section 36 approximately 1.899 km (1.18 mile) to a  
7 point of ending on the north line of said Section 36 at the  
8 intersection of Reserve Drive with said U.S. 93 as the route for  
9 said Project NH 5-3(60)109 has been located, surveyed, planned and  
10 designed by the Department of Transportation.

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12  
13  
14  
15  
16 STATE OF MONTANA )  
County of Flathead ) SS MDOT  
Recorded at the request of  
17 this 14 day of Nov 1997 at 10:05 o'clock A.M.  
and recorded in the records of Flathead County, State of Montana  
18 Fee \$ 36- Pd. Susan W. Bagfield  
Flathead County Clerk and Recorder  
19 Paul W. Bush  
Deputy

20 199731810050

21 MDOT  
22 2701 PROSPECT AVE  
23 HELENA MT 59620  
24  
25